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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,288	10/24/2000	Timothy A. Lewis	078091/0275	1663
42645	7590	03/21/2005	EXAMINER	
PHOENIX TECHNOLOGIES LTD. 915 MURPHY RANCH ROAD MILPITAS, CA 95035			ARANI, TAGHI T	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/694,288	LEWIS, TIMOTHY A.	
	Examiner	Art Unit	
	Taghi T. Arani	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 have been elected and are pending.

Response to Arguments

Applicant's arguments filed 12/28/2004 regarding the rejection of the claims 1-24 under 35 U.S.C. 102() have been fully considered but they are not persuasive.

As per independent claims 1, 7, 13, and 19, applicant argues that Pearce reference does not anticipate the limitations:

“determining in SMM if the caller is included in a dispatch table “ and

“dispatching to a target function that is associated with the caller in the dispatch table if it is determined that the caller is included in the dispatch table”.

Applicant makes references to pages of the disclosure stating that “ a caller refers to a portion of an executing program” and that “a caller is part of executing program, not an index or numerical parameter as recited in Pearce”. Applicant notes that the invention determines in system management mode (or a secure operating mode that uses portion of memory or other applicable resources that are not accessible by the device operation system) if a calling portion of an executing program is present in a dispatch table, page 13 of remark.

The Examiner responds that these limitations are taught by Pearce as stated in the statement of rejection of claims 1, 7, 13, and 19 in the previous office action and below.

Furthermore, according to the MPEP 904.01, the Examiner is obligated to give each term in the claims its broadest reasonable interpretation. See also In re Morris, 127

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F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997) . That is, while claims are read and examined in light of specification, the examiner declines to read the limitations from the specification into the claims. A caller being “part of executing program” and a “system management mode” being a secure operating mode that uses portion of memory or other applicable resources are not claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by prior art of record, US Patent No. 6,178,550 to Pearce.

As per claims 1, 7, 13, and 19, Pearce teaches securely transferring control to a system management mode (SMM) after the generation of a system management interrupt (SMI) by a program executing on a computer, comprising:

detecting the generation of an SMI from a caller in the program (see col. 2, lines 39-45); determining in SMM if the caller is included in a dispatch table (col. 2, lines 45-57);

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dispatching to a target function that is associated with the caller in the dispatch table if it is determined that the caller is included in the dispatch table (col. 2, lines 4547); and

executing the target function (col. 2, lines 45-47).

As per claims 2, 14, 8, and 20, Pearce teaches all the limitations of the base claims as discussed above, and further teaches

exiting from SMM after completing the execution of the target function; and resuming the processing of the program, (see figure 2, element 220 which follows from element 218, indicating that after execution of the function, within the SMM code is a return from SMM command, returning control back to the base code).

As per claims 3, 9,15, and 21, Pearce teaches all the limitations of the base claims as discussed above, and further teaches

identifying the type of SMI that is detected; and

dispatching the detected SMI to an SMI event handler in SMM based upon the identified type,

wherein the SMI event handler determines if the detected SMI is included in the dispatch table (see figure 2, elements 214, and 202, and accompanying description).

As per claims 4, 10, 16, and 22, Pearce teaches all the limitations of the base claims as discussed above, and further teaches

exiting from SMM if it is determined that the caller is not included in the dispatch table (see figure 2, element 219 and accompanying description).

As per claims 5, 11, 17, and 23, Pearce teaches all the limitations of the base claims as discussed above, and further teaches the dispatch table is only visible in SMM (see col. 3, lines 44-50).

As per claims 6, 12, 18, and 24, Pearce teaches all the limitations of the base claims as discussed above, and further teaches the dispatch table is created during the compilation of the program (see col. 5, lines 42-45, in which Pearce discloses that the tables can be dynamic without parting from the scope of his invention).

Action is Final

3. THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.
Examiner
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